

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MIDAJAH SPENCER, a minor,
by APRIL SPENCER, her mother, }
Plaintiff, }
v. } Civil Action No. 04-179 Erie
JOANNE B. BARNHART,
Commissioner of Social Security, }
Defendant. }

MEMORANDUM ORDER

Plaintiff's social security complaint was received by the Clerk of Court on June 24, 2004, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 12], filed on August 3, 2005, recommended that Plaintiff's Motion for Summary Judgment [Doc. No. 8] be denied, and that Defendant's Motion for Summary Judgment [Doc. No. 10] be granted. The parties were allowed ten (10) days from the date of service to file objections. Plaintiff filed objections to Magistrate Judge Baxter's Report and Recommendation on August 17, 2005 [Doc. No. 13-1]. After de novo review of the documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 19th day of September, 2005;

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment [Doc. No. 8] is DENIED, and that Defendant's Motion for Summary Judgment [Doc. No. 10] is GRANTED. The Report and Recommendation [Doc. No. 12] of Magistrate Judge Baxter, filed on August 3, 2005, is adopted as the opinion of the Court. Judgement is hereby entered in favor of Defendant, Jo Anne B. Barnhart, Commissioner of Social Security, and against Plaintiff, Midajah Spencer, a minor, by April Spencer, her mother.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge